Adequacy of a Plan to Harvest Damaged Timber

Complaint Investigation 990190

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Table of Contents

The Investigation 1

Background 1

Relevant Legislation 1

Issues 1

Discussion 2

Information availability 2

Choice of silviculture system 2

Consideration of biodiversity and wildlife 3

Consideration of tourism potential 4

Consideration of the cumulative impacts of timber harvesting and mining 5

Conclusions 5

The Investigation

A complaint was filed with the Forest Practices Board in June 1999, asserting that an amendment to a forest development plan (FDP) to allow harvesting of snow-damaged timber in the Elk Valley did not provide adequate information and did not adequately address forest resources.

Background

In the winter of 1997/98, a major storm took place in the Elk Valley, located in the Cranbrook Forest District. Heavy snowfall damaged pine stands in a 50- to 60-kilometre section of the valley.

In 1998 the licensee, Crestbrook Forest Industries (now Tembec Industries) proposed an amendment to their FDP to salvage the damaged timber in the Elk Valley. The licensee planned to harvest stands where more than 25 percent of the volume of the sawlog-sized trees had been damaged. The amendment proposed 13 cutblocks from 3 to 37 hectares in size for cutting permit (CP) 616. Two of the cutblocks consisted of undamaged pine stands. They were included to offset the costs of harvesting the damaged stands.

The amendment was advertised and made available for the required 60-day public review and comment period. The complainant is a local resident who is concerned about the impacts of forestry and mining in the Elk Valley. The complainant was concerned that clearcutting was the only silviculture system practised in the valley and wanted the combined effects of mining and forestry development considered. The complainant commented on the amendment during the review and comment period. However, he was not satisfied with the response he received and subsequently filed a complaint with the Board.

Relevant Legislation

Approval of a plan by a district manager

Section 41 of the *Forest Practices Code of British Columbia Act*.

Maximum cutblock size

Section 11 of the *Operational Planning Regulation*. Maximum cutblock size.

Map and information requirements for a forest development plan.

Section 18 of the *Operational Planning Regulation*.

Issues

The investigation examined whether the forest development plan amendment contained the information required by the Code, and whether it adequately addressed forest resources.

The specific concerns with the amendment that the complainant raised were:

- inadequate information provided to the public;

- exclusive use of clearcutting;
- inadequate consideration of biodiversity;
- inadequate consideration and protection of wildlife;
- loss of tourism potential; and
- inadequate consideration of the cumulative impacts of timber harvesting and mining.

Discussion

Information availability

The complainant asserted that the licensee did not provide information about the percentage volume of timber damaged by snow in each cutblock. The complainant wanted that information so that he could evaluate for himself whether the harvesting and silviculture systems were appropriate. The complainant argued that the information was essential for the public to be able to evaluate the plan.

The *Operational Planning Regulation* sets out the content requirements for FDPs and amendments. It does not require the inclusion of information on the volume of damaged timber in each cutblock. The volume information was available, but only at the licensee's field office in Sparwood. Although the complainant had visited the field office, he did not request the information at that time. The complainant subsequently asked the licensee to send reports containing the volume information over the Internet because it was difficult for him to travel to the licensee's field office again. The licensee had advised that it would provide summary tables for the proposed cutblocks, but it was not prepared to send legal documents over the Internet (due to concerns about security and administrative time). The licensee also commented that because it was not approved at the time, it did not want to release the silviculture prescription.

The licensee did not have to include volume information in the amendment. The information was somewhat specialized, beyond what the general public was likely to require for review. Therefore, the Board concluded that it was adequate to have that information available for public review at the field office and notes that this was not a Code requirement. It was appropriate for the licensee to offer to provide summary information to the complainant, rather than volume information and a draft silviculture prescription.

Choice of silviculture system

The complainant was concerned that the licensee proposed to clearcut all of the salvage cutblocks. He believed that the licensee should have proposed partial cut systems on some cutblocks.

The licensee proposed clearcutting because of the nature of the stand. The snow damage had resulted in a large amount of debris hung-up in the trees, which were leaning in many different directions. In comparison, wind damage would usually result in trees falling in the same general direction. The licensee believed it would be too dangerous to have workers selectively harvest the stands.

The Code does not require the consideration of non-clearcutting methods, only some level of tree retention in cutblocks that are larger than the maximum cutblock size for the area (40 hectares). In any event, the use of a clearcut silviculture system was consistent with guidelines in the 1992 Ministry of Forests handbook *A Field Guide for Site Identification and Interpretation for the Nelson Forest Region*. Also, the original FDP stated that efforts would be made to maximize volume removed in damaged stands. The FDP contained no commitment on retention in these stands.

The Board concluded that clearcutting was an appropriate silviculture system for the salvage cutblocks, particularly given the safety concerns due to the physical attributes of snow-damaged trees.

Consideration of biodiversity and wildlife

The complainant asserted that the amendment gave inadequate consideration to both biodiversity and wildlife values. The complainant was concerned that there was no mention in the amendment of how the salvage proposal would manage for biodiversity. The complainant was also concerned about impacts the amendment proposal would have on wildlife habitat, in particular habitat for furbearers. He felt that, generally, only ungulates were being managed for and there was little information on other wildlife populations.

The Code recommends managing biodiversity at both a general and specific level. Guidelines and requirements exist to provide for habitat retention at the stand level by managing structure within cutblocks, and at a landscape level by managing for different stand ages and cutblock sizes and by retention of trees in riparian areas and elsewhere.

The Code addresses wildlife mainly through measures for biodiversity and for riparian area management in regulations or in guidebooks. The measures include management for wildlife trees and coarse woody debris; seral stage objectives; and maintaining the temporal and spatial distribution of cutblocks to provide habitat for most forest dwelling species. For species that may not be adequately addressed by these measures, important habitats can be managed through the creation of wildlife habitat areas under the *Identified Wildlife Management Strategy*, and through the designation of ungulate winter ranges.

Section 18 of the *Operational Planning Regulation* requires that FDPs contain general objectives for the management of coarse woody debris and wildlife trees. There were management objectives for both in the amendment to the FDP. The FDP must also identify known wildlife habitat areas and ungulate winter ranges. There were no wildlife habitat areas established in the area of the complaint. The amendment did identify that there is moose winter range in the valley, but there were no winter range areas officially designated under the Code.

The Elk Valley is within the area of the Kootenay-Boundary Land Use Plan (KBLUP), which was approved in 1995. Portions of the plan were implemented as a higher level plan in January 2001. The district manager considered the plan to be government policy at the time he approved the amendment. The KBLUP identified a draft biodiversity emphasis objective of "intermediate" and "high" for two landscape units in the area of the complaint. The 1998-2002 FDP indicates that the proposal will not impact meeting the biodiversity targets in one draft landscape unit and will have a low impact in the other. Snow damage, combined with salvage harvesting, has limited the biodiversity management options available.

Biodiversity is a special consideration for cutblocks that are larger than the 40-hectare maximum size for this area. For the purposes of cutblock size considerations, adjacent areas where the stands differ by less than 20 years in age should be treated as one opening, unless the existing harvested area has reached green-up height. Two of the approved cutblocks for CP 616 were adjacent to an existing cutblock, creating a 152-hectare aggregate harvested area. Section 11(3)(b) of the *Operational Planning Regulation* allows large cutblocks for either salvage purposes [section 11(3)(b)(i)] or to meet biodiversity objectives [section 11(3)(b)(ii)]. In this case, only one of the two new cutblocks that were part of the aggregate was a salvage cutblock. Therefore the aggregate cutblock must meet biodiversity objectives. More specifically, the proposed cutblock must meet the structural characteristics and the temporal and spatial distribution of natural openings.

Stand structure was provided for in the form of wildlife tree patches and coarse woody debris, as well as retention of mature Douglas fir, deciduous trees and understory spruce. The large size of the aggregate cutblock is consistent with what the *Biodiversity Guidebook* recommends for this area (Natural Disturbance Type 3). Up to 50 percent of the landscape unit can have openings from 80 to 250 hectares in size. An analysis of the sizes of patches of even-aged forest or openings was included in the amendment and it showed that the percentage of classes of patch sizes in the landscape unit was consistent with the recommendations in the *Biodiversity Guidebook*. In addition, the seral stage analysis included in the original FDP dealt with the temporal aspect of openings.

The map for the FDP amendment identified a large adjacent area as a potential old growth recruitment area. This had been planned in co-operation with the former Ministry of Environment, Lands and Parks (now Ministry of Water, Land and Air Protection). This was also consistent with the KBLUP, which stated that furbearer habitat management should involve planned old growth management areas.

The Board concluded that the amendment, including the proposal for the large aggregate area, met the requirements of the Code for biodiversity and wildlife.

Consideration of tourism potential

The complainant believed that the amendment ignored the tourism potential of the area. There is a park at the north end of the valley and tourists must travel through the Elk Valley to reach it. The complainant believed that clearcutting and tourism were not compatible.

The licensee considered mechanical harvesting and clearcutting to be appropriate because of the flat terrain and also because it would be dangerous to handfall the stands. The district manager was satisfied that the licensee had adequately addressed the comments.

Objectives for tourism would normally be considered in a land use plan or higher level plan, not a forest development plan. The KBLUP provided objectives for recreation management in the Elk Valley but did not identify any specific tourism objectives. Beyond that, section 18 of the *Operational Planning Regulation* requires that an FDP identify designated scenic areas. No scenic areas were designated in the area covered by the amendment. Although the KBLUP identifies areas that are visually significant, the area affected by the amendment was not identified.

The Board concluded that the amendment was consistent with Code requirements and KBLUP objectives relating to visual and recreation resources.

Consideration of the cumulative impacts of timber harvesting and mining

The complainant felt that there were significant impacts on the valley from both mining and forestry activities. He was concerned that the salvage harvesting was being planned without consideration of the current and future impacts from large-scale mining operations in the area.

The Code does not require the explicit consideration of cumulative impacts, other than in a watershed assessment. In this case, there was no Code requirement for a watershed assessment. Nevertheless, section 41 of the Code Act requires that the district manager must be satisfied an operational plan will adequately manage and conserve a broad range of forest resources – including non-timber resources. Most of the proposed cutblocks were small. The proposal of the aggregate cutblocks was consistent with opening size recommendations in the *Biodiversity Guidebook*. In addition, a potential old growth management area was identified adjacent to the opening to compensate for loss of habitat. MELP agreed with this approach. Because the amendment was mainly a salvage program, options were limited for addressing other forest resources.

The Board concluded that the proposal dealt adequately with managing other forest resources, and, given the salvage nature of the amendment, it was reasonable for the district manager to approve the amendment.

Conclusions

The FDP amendment complied with the Code requirements for providing information and addressing the issues identified in the complaint. The Board acknowledges that the complainant has valid concerns about the lack of a process for addressing cumulative impacts of mining and forestry activities on resources.